

FILED
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US DISTRICT COURT

★ FEB 14 2011

BROOKLYN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHAEL J. PANZNER,

Plaintiff

-against-

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

MEMORANDUM & ORDER

10-CV-5813 (ENV) (RML)

VITALIANO, D.J.

Defendant removed the instant case from the Civil Court of the City of New York on December 15, 2010. On February 4, 2011, pro se plaintiff submitted a letter to Magistrate Judge Robert M. Levy informing the Court that he would be "unable to prosecute [the] case for the foreseeable future because of health concerns and other circumstances beyond [his] control." In that vein, plaintiff requested that the Court "take whatever action [it] deem[ed] necessary and appropriate in light of these facts." The Court liberally construes this letter as a motion to dismiss the action without prejudice pursuant to Federal Rule of Civil Procedure 41(a). In light of the foregoing and absent any opposition by defendant, the motion is granted and the case is discontinued without prejudice.

The Clerk is directed to close this case.

SO ORDERED.

DATED: Brooklyn, New York
February 14, 2011

ERIC N. VITALIANO
U.S.D.J.

Chm